IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 1889 of 2006

Shri Naresh Dashrath Chavan ..Petitioner

vs.

State of Maharashtraq & ors. ..Respondents

Shri D.B.Sawant for petitioner.'
Snmt.Vaishali Mhaispurkar, A.G.P. for respondents

CORAM: S.B.MHASE J.
20th March, 2006

P.C.

1. Heard the learned Counsel for the parties.

2. The petitioner has approached this Court in view of the inaction on the part of the respondents in not deciding the application filed by the petitioner seeking interim stay of the order impugned before the Authorities. To clarify the position the order dated 27th February, 2006 was passed by the Collector, Raigad, Alibag and thereby the CL III licence granted to the petitioner is suspended. As against this order appeal was preferred before the Commissioner of the State Excise bearing No.101 of 2006. In the said appeal interim application was preferred requesting to grant interim stay to the order of the Collector.

However, the Commissioner of State Excise simply kept that application on record and did not pass any order on the said application. Therefore, the revision application was filed before the Minister for State Excise, Maharashtra State and prayer was made to pass an interim order of stay since there was no order passed on the application of the petitioner.

3. The learned counsel for the State now makes the statement, on instructions from the Commissioner of State Excise, State of Maharashtra that Appeal No.101 of 2006 will be decided within a period of one month from today after giving an opportunity to the petitioner of being heard. Learned Counsel further makes a statement that in the mean while the order passed by the Collector, Raigad on 27th February, 2006 will be stayed. In view of this, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to withdraw the revision application filed before the State Government. Under these circumstances, following order is passed.

i) In view of the concession given by the

learned Counsel for the State, Commissioner of State Excise, Maharashtra State is hereby directed to dispose of Appeal No.101 of 2006 within a period of one month from today after giving an opportunity of hearing to the petitioner. Order passed by the Collector, Raigad, (Alibag) is stayed till final disposal of the appeal and thereafter for a period of four weeks in case the appeal is dismissed so as to avail the revisional remedy as against them.

(S.B.MHASE J.)